

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

STATE OF CALIFORNIA,

Plaintiff,

v.

\$112,576 UNITED STATES
CURRENCY,

Defendant.

No. 2:23-cv-00031-TLN-KJN

ORDER

Claimant, Marc Boiteau, who is proceeding pro se, removed this civil asset forfeiture action to this Court. The matter was referred to a United States Magistrate Judge under this Court's Local Rules.

On March 9, 2023, the magistrate judge filed findings and recommendations (ECF No. 4), which were served on Boiteau and which contained notice that any objections to the findings and recommendations were to be filed within fourteen (14) days. On March 23, 2023, Boiteau filed objections to the findings and recommendations (ECF No. 5), which have been considered by the Court.

This Court reviews de novo those portions of the proposed findings of fact to which an objection has been made. 28 U.S.C. § 636(b)(1); *McDonnell Douglas Corp. v. Commodore Business Machines*, 656 F.2d 1309, 1313 (9th Cir. 1981); *see also Dawson v. Marshall*, 561 F.3d 930, 932 (9th Cir. 2009). As to any portion of the proposed findings of fact to which no objection

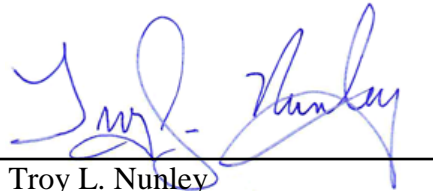
1 has been made, the Court assumes its correctness and decides the matter on the applicable law.
2 *See Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's
3 conclusions of law are reviewed de novo. *See Britt v. Simi Valley Unified School Dist.*, 708 F.2d
4 452, 454 (9th Cir. 1983).

5 The Court has reviewed the applicable legal standards and, good cause appearing,
6 concludes that it is appropriate to adopt the findings and recommendations in full.

7 Accordingly, IT IS HEREBY ORDERED that:

- 8 1. The findings and recommendations (ECF No. 4) are ADOPTED IN FULL;
- 9 2. The action is REMANDED to state court for lack of subject matter jurisdiction; and
- 10 3. The Clerk of Court is directed to CLOSE this case.

11 DATE: May 10, 2023

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15 Troy L. Nunley
16 United States District Judge
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